

In the Claims:

Claim 1 (Currently Amended). An apparatus for moving a medical implement ~~having a magnetic component through a tissue in a patient, the tissue having two opposing sides, the apparatus comprising:~~

a first tissue engaging surface being configured to hold the medical implement and to contact a first of the sides of the tissue;

a second engaging surface being movable relative to said first tissue in order to contact a second of the sides of the tissue and to penetrate the medical implement into the tissue;

a magnetizable material being disposed in one of said first and second tissue engaging surfaces; and

a magnetic field generator disposed in said tissue engaging surface not containing said magnetic element and generating a magnetic field of sufficient strength to move the medical implement through the tissue free of assistance from mechanical force said magnetic element relative to said magnetic field generator.

Claim 2 (Original). The apparatus of claim 1, wherein the magnetic field generator is a permanent magnet.

Claim 3 (Original). The apparatus of claim 1, wherein the magnetic field generator is an electromagnet.

Claim 4 (Original). The apparatus of claim 3, wherein the strength of the magnetic field is varied to move the medical implement through the tissue.

Claim 5 (Currently Amended). The apparatus of claim ~~[[3]]~~ 1, wherein said magnetic field generator creates a magnetic field having a polarity and said ~~[[a]]~~ polarity of the magnetic field is reversible.

Claim 6 (Original). The apparatus of claim 3, wherein the magnetic field generator is positioned external to the tissue.

Claim 7 (Original). The apparatus of claim 3, wherein the magnetic field generator is selectably positionable to move the medical implement through the tissue.

Claims 8-15 (Canceled).

Claim 16 (Withdrawn-currently amended). The medical system of claim [[8]] 1, wherein the medical implement is made of a bio-resorbable material.

Claim 17 (Withdrawn-currently amended). The medical system of claim [[8]] 1, further comprising a suture attached to the medical implement.

Claim 18 (Withdrawn-currently amended). The medical system of claim [[8]] 1, wherein the medical implement is a suture anchor.

Claim 19 (Currently Amended). The medical system of claim [[8]] 1, wherein the medical implement is a surgical needle.

Claims 20-23 (Canceled).

Claim 24 (Currently Amended). The medical system of claim [[21]] 1, wherein the magnetic field generator is positioned external to the tissue.

Claim 25 (Canceled).

Claim 26 (Currently Amended). A surgical instrument for delivery of an implant through tissue comprising:

a body;

a carrier located on the body for removeably securing at least a portion of the implant to the instrument;

a tip located at a distal end of the body and configured and dimensioned for insertion through the tissue; and

a magnetic element located on the body, wherein interaction between the magnetic element and a magnetic field external to the tissue drives ~~the instrument~~ the implant through the tissue ~~free of assistance from mechanical force~~.

Claim 27 (Original). The instrument of claim 26, wherein the magnetic element is part of the body.

Claim 28 (Original). The instrument of claim 26, wherein the magnetic element is attached to the body.

Claim 29 (Original). The instrument of claim 26, wherein the magnetic element is a permanent magnet.

Claim 30 (Original). The instrument of claim 26, wherein the magnetic element is an electromagnet.

Claim 31 (Original). The instrument of claim 26, wherein the magnetic element is movable to provide directional control of the instrument as it is driven through the tissue.

Claim 32 (New). The apparatus according to claim 1, wherein said magnetic field generator attracts said magnetizable material; and

a biasing member tends to spread said first tissue engaging surface from said second tissue engaging surface.

Claim 33 (New). The apparatus according to claim 1, wherein:

said magnetizable material creates a magnetic field; and

said magnetic field generator creates a magnetic field that repels said magnetic field of said magnetizable material.

Claim 34 (New). The apparatus according to claim 33, further comprising a biasing member tending to compress said first tissue engaging surface toward said second tissue engaging surface.

Claim 35 (New). The apparatus according to claim 1, wherein said magnetic field generator attracts said magnetic material to urge the medical implement into the tissue by attracting said first tissue engaging surface to said second tissue engaging surface; and

a means for mechanically urging said first tissue engaging surface toward said second tissue engaging surface.

Claim 36 (New). The apparatus according to claim 35, further comprising a biasing member tending to spread said first tissue engaging surface from said second tissue engaging surface.

Claim 37 (New). The apparatus according to claim 1, wherein said magnetizable material is a permanent magnet.

Claim 38 (New). The apparatus according to claim 1, wherein said magnetizable material includes iron.

Claim 39 (New). The apparatus according to claim 1, wherein said magnetizable material is an electromagnet.

Claim 40 (New). An apparatus for moving a medical implement through a tissue in a patient, the tissue having two opposing sides, the apparatus comprising;

a first handle;

a second handle;

a pivot connecting said first handle to said second handle;

a first tissue engaging surface being connected to said first handle and configured to hold the medical implement and to contact a first of the sides of the tissue;

a second engaging surface being connected to said second handle and movable relative to said first tissue in order to contact a second of the sides of the tissue and to penetrate the medical implement into the tissue;

a magnetizable material being disposed in one of said first and second tissue engaging surfaces; and

a magnetic field generator disposed in said tissue engaging surface not containing said magnetic element and generating a magnetic field to move said magnetic element relative to said magnetic field generator.

Claim 41 (New). The apparatus according to claim 40, wherein:

said magnetic field generator attracts said magnetizable material to penetrate the medical implement into the tissue; and

said first handle and said handle spreads said first tissue engaging surface and said second engaging surface when actuated.

Claim 42 (New). The apparatus according to claim 40, wherein:

said magnetic field generator repels said magnetizable material to spread said first tissue engaging surface and said second tissue engaging surface; and

said first handle and said handle compressing said first tissue engaging surface toward said second tissue engaging surface to penetrate the medical implement into the tissue when actuated.

Claim 43 (New). The apparatus according to claim 40, wherein:

said magnetic field generator attracts said magnetizable material to penetrate the medical implement into the tissue;

said first handle and said handle compressing said first tissue engaging surface toward said second tissue engaging surface to penetrate the medical implement into the tissue when actuated; and

a biasing member connected to said first tissue engaging surface and said second tissue engaging surface spreads said first tissue engaging surface relative to said second tissue engaging surface.